

REMARKS

Claims 117-127, 129-130, 132-134, 137-147, 149-151 and 154-196 are pending. By this Amendment, claims 117, 129, 146, 163, 168, 173 and 179 are amended.

Reconsideration based on the following remarks is respectfully requested.

The Office Action rejects claims 145, 178, 179-191 and 193-196 under 35 U.S.C. 102(b) over Sauer (U.S. Patent No. 5,624,428), and claims 117-127, 129, 130, 133, 134, 137-144, 146, 147, 149-151 and 155-177 under 35 U.S.C. 103(a) over Sauer. These rejections are respectfully traversed.

Regarding independent claims 117, 129, 146, 163, 168, 173 and 179, Sauer does not disclose or even suggest an absorbent article including, inter alia, hook fasteners that are permanently and directly attached to the outer surface of the back waist portion.

Instead, Sauer discloses an absorbent article having an expansion member 46 that is permanently attached to the inner surface of the rear portion 24 of the absorbent article. See FIG. 2 of Sauer.

The Final Rejection asserts that it would have been a matter of obvious design choice to permanently attach the expansion member 46 of Sauer to the outer surface of the back waist portion, instead of the inner surface, to arrive at the claimed invention. However, permanently attaching the expansion member 46 to the outer surface of the back waist portion would result in an absorbent article which, once placed around the wearer's waist, would have extremely bulky sides, since such a configuration would require each lateral edge of the back waist region to be curled around itself in order for the primary fastener to

be disposed in face to face relation with the front waist region (see attached figure, showing the Examiner's proposed modification to Sauer). One having ordinary skill in the art would simply have no motivation to make such a modification to Sauer in light of the resulting bulkiness. The Examiner asserts that motivation exists in the desire to reduce irritation to the wearer. However, it is not clear how such a modification would reduce irritation, since even with no modification, the fasteners of Sauer are not in contact with the wearer's skin.

Regarding independent claims 145 and 178, Sauer does not disclose or even suggest an absorbent article including, inter alia, a third prefolded nonwoven connector and a fourth nonwoven connector, where the first prefolded nonwoven connector is releasably preengaged with the third prefolded nonwoven connector and the second prefolded nonwoven connector is releasably preengaged with the fourth prefolded nonwoven connector.

Instead, Sauer discloses the use of only two connectors (expansion members 46) that connect the rear portion 24 to the front portion 22. The Office Action asserts that Sauer teaches that the front waist region can alternatively have separate fasteners (see col. 7, lines 30-32 of Sauer) in addition to the disclosed expansion members 46. However, these "separate fasteners" are not disclosed as being pre-folded, as required by the claims, but instead separate patch-like fasteners are suggested.

Regarding independent claim 189, Sauer does not disclose or even suggest an absorbent article including, inter alia, a second portion of the prefolded unitary nonwoven

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connector being attached permanently to the inner surface of the back waist portion so as to cover the full width of the back waist portion. This feature is not addressed by the previous Office Actions.

For at least these reasons, it is respectfully submitted that claims 117, 129, 145, 146, 163, 168, 173, 178, 179 and 189 are in condition for allowance. The dependent claims are also in condition for allowance for the reasons discussed as well as for the additional features they recite.

If any fee is deemed necessary to preserve the pendency of the subject application, authorization is hereby given to charge any such fee to Deposit Account No. 01-1785.

Respectfully submitted

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